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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,832	02/28/2004	Kyung-Ju Choi	ZM921/04004	7344
27868	7590	10/19/2006		
JOHN F. SALAZAR MIDDLETON & REUTLINGER 2500 BROWN & WILLIAMSON TOWER LOUISVILLE, KY 40202			EXAMINER DAVIS, JENNA L	
			ART UNIT 1771	PAPER NUMBER

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,832

Applicant(s)

CHOI, KYUNG-JU

Examiner

Jenna Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/4/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-29 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-29 & 33-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/1/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 4, 2006, has been entered.

Detailed Action

The Examiner has carefully considered Applicant's response filed August 4, 2006. The rejection of claims 22-29 and 33-44 has been maintained.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 102

Claims 22-24, 26, 33, 38, 39, 41, 42, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Healey (US 2002/01877701) as set forth in paragraph 2 of the August 11, 2005, and February 7, 2006, office actions.

Although Applicant has amended claim 33 to include the same limitation as set forth in claim 22, and since Applicant teaches forming meltblown layers being "attenuated from spaced orifice sources directly to separate, spaced similarly rotating sources with one of such sources receiving said layered mat portion from the other immediately preceding spaced rotating collector source" Healey meets these limitations since attenuating the fibers is inherent to the meltblown process. Thus the rejection is maintained. Since Healy uses the same process to

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produce his product it is not seen that the final product would be any smoother or less smooth than what is claimed here.

Claims 22-24, 26-29, 33-39, 41-42, and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0960645 A2 as set forth in the August 11, 2005, and February 7, 2006, office actions. Reference EP 0960645 A2 teaches a three-layer vacuum cleaner bag construction. Please refer to paragraph 0054 where EP 0960645 A2 distinctly teaches attenuating the filaments upon formation.

Claims 22-27, 33-34, 36, 38, 39-41, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Healy (WO 01/32292 A1) as set forth in the August 11, 2005, and February 7, 2006, office actions. Healey teaches meltblowing the fiber layer.

Claim Rejections - 35 USC § 103

Claims 25, 40, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over prompt EP 0960645 A2 as applied above, and further in view of Healey, as set forth the August 11, 2005, and February 7, 2006 office actions.

Response to Arguments

Applicant's arguments filed August 4, 2006, have been fully considered but they are not persuasive for the reasons set forth.

Applicant argues that neither of the references teach "the fiber layers each being attenuated from spaced orifice sources directly to separate rotating collector sources." This argument is not persuasive because Applicant's specification teaches a meltblown process and this process is taught by Healey. Attenuation is inherent to the meltblown process. Further, note that EP 0960645 A2 teaches "attenuating the filaments upon formation." Finally, applying

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"layers from spaced orifices directly to separate rotating collector sources" is a process limitation. Therefore, the rejections are maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna Davis whose telephone number is 571-272-3357. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1111. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jenna Davis
Primary Examiner
Art Unit 1771

Jld
571-272-3357